

Mike

January 7, 1980

Diamond Head Oil and Refining

Michael V. Polito
Emergency Response & Hazardous Materials Inspection Branch

Richard Weinstein, Attorney
Water Enforcement Branch

THRU: Fred W. Rubel, Chief
Emergency Response & Hazardous Materials Inspection Branch

THRU: Richard G. Tisch, Chief
Water Enforcement Branch

By letter dated December 31, 1979 you received a report by Mr. Burger on the Diamond Oil facility dated November 27, 1979. Attached is Mr. Burger's report of November 6, 1979 (revised December 19, 1979) on the same facility.

Mr. Burger, a contractor to EPA, has been monitoring the Diamond Head site for EPA and feels that contamination to waterways is coming from State-owned lands. It is my suspicion that this contamination will continue for years, under present conditions.

This problem was earlier referred by me to Mr. Germino, Deputy Attorney General, State of New Jersey, and coordinator for actions being taken by the State of New Jersey at the Diamond Head site. He advised Mr. Al Steinberg, Resident Engineer, by letter dated November 5, 1979 to take action. A copy of this letter is also attached.

Please note that in Mr. Burger's November 27th report he indicates that Mr. Steinberg is powerless to take any action. This appears borne out by the November 5th letter of Mr. Germino in which he states that he will endeavor to get the Department of Environmental Protection involved in formulating an oil-water separation plan.

It is my feeling that an internal complexity will again develop within the New Jersey State government, as occurred in 1976, which could result in a spill of oil to the navigable waters of the United States. Pursuant to 40 CFR Part 1510.53 (b) (3), I am recommending that documented legal notice be served on the State of New Jersey advising them of their responsibilities under Federal law, and that they be required to draft and commit to an oil removal plan in the entire area surrounding Diamond Head Oil and Route 280 in the Town of Kearny.

Attachments:

1. Germino letter dated 11/5/79
2. Burger report dated 11/6/79

2-SA-ERHMIB:MVPolito:jkw:Bldg.209:X6652

SA/ERHMIB
POLITO
1/2/26
SA/ERHMIB
RUBEL

510401



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

January 7, 1980

File

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CONCURRENCES

SYMBOL	SURNAME	DATE	SA/ERHMIB POLITO	SA/ERHMIB RUBE		
			<i>12/26</i>	<i>1/21</i>		

*Re: Rubel
File Diamond Head*

*This copy must be attached
to yellow file copy*

STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF LAW
MEMORANDUM

TO: Al Steinberg
Resident Engineer - Region 2

DATE: November 5, 1979

FROM: Thomas J. Germiné
Deputy Attorney General

SUBJECT: Oil Contamination - Route 280

Michael Polito of EPA's Emergency Response and Enforcement Division today informed me that an oil sheen has been observed on run-off waters which have accumulated in a drainage ditch near Ramp M. As you know, years of pumping from the Diamond Head plant have resulted in oil contamination in this entire area. Therefore, care should be taken that run-off waters which are collected in DOT's catch basins and drainage ditches be checked for oil content before they are discharged into storm sewers or other receiving waters.

You are to instruct the contractor either to refrain from pumping out the contaminated water observed by EPA in the ditch adjacent to Ramp M, or else to remove the oil content from this water by using an absorbent.

Special care should also be taken that oil-contaminated water not overflow from this ditch into the storm sewers during a rainstorm.

I have advised EPA of your suggestion that a permanent treatment works be proposed to deal with the problem of oil-contaminated drainage from DOT's right-of-way. I will endeavor to get DEP involved in formulating an oil-water separation plan which may form the basis for a change order proposal.

TJG
T.J.G.

TJG:hd

cc: Jack Freidenrich
William Kirchner
Frank Cimonetti
Michael Polito ✓